

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	CRIMINAL ACTION 08-00204-KD
)	
DANIEL STUART ADDISON,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the defendant's "Request to Amend Federal Complaint and Add a Sworn Affidavit" (doc. 63). The request is construed as a motion to amend defendant's previous filing entitled "Federal Complaint / U.S. Attorney U.S. Attorney's Office, Government Misconduct / Writ of Conspiracy" filed on August 5, 2009 and August 24, 2009 (docs. 60, 61). The previous filings were stricken by the Court on September 1, 2009 because the Court is without jurisdiction to grant collateral relief while this action is pending on appeal (doc. 62). See United States v. Dunham, 240 F. 3d 1328, 1329-1330 (11th Cir. 2001) ("We conclude that the district court lacked jurisdiction to consider and rule on Dunham's § 2255 motion during the pendency of her direct appeal of her sentence, and therefore her appeal of the district court's denial of that motion is dismissed without prejudice and the district court's order denying Dunham's § 2255 motion is vacated without prejudice to Dunham's right to file a § 2255 motion after the disposition of her direct appeal."). Accordingly, the motion to amend (doc. 63) is also **STRICKEN**.

However, the Affidavit attached to the motion to amend (doc. 63) is referred to the United States Attorney for his consideration. Particularly, the Court is concerned with the alleged admission by Roman Pierce that he committed perjury before this Court. The Court is

also concerned with the allegations made by Pierce that he was coerced to lie under oath. The Court requests that, after an investigation is conducted into these allegations, the Court be advised of the findings.

DONE and **ORDERED** this the 25th day of September, 2009.

s / Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE